UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/1995/59
20 January 1995
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 17 JANUARY 1995 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF THE LIBYAN ARAB JAMAHIRIYA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to transmit to you herewith the text of a statement issued on 15 January 1995 by the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Ali Sunni MUNTASSER
Deputy Permanent Representative
Chargé d'affaires a.i.

Annex

Statement issued on 15 January 1995 by the General People's Committee for Foreign Liaison and International Cooperation of the Libyan Arab Jamahiriya

The General People's Committee for Foreign Liaison and International Cooperation has learnt of statements made by the Speaker of the United States House of Representatives, as reported by the international news media, in which he declares his support for the transfer of the United States Embassy in Israel from Tel Aviv to Jerusalem and maintains that Israel is fully entitled to choose its own capital and that the United States, as Israel's major ally, should endorse and support that choice.

The Committee recalls the resolutions of the General Assembly, most recently that adopted in 1994 at its forty-ninth session, in which the Assembly determined that all legislative measures and actions that had altered or purported to alter the character and status of the Holy City of Jerusalem, in particular the so-called "Basic Law" on Jerusalem and the proclamation of Jerusalem as the capital of Israel, were null and void and must be rescinded forthwith.

It further recalls the resolutions of the Security Council, in particular its resolutions 476 (1980) and 478 (1980) in which it decides not to recognize the "Basic Law" on Jerusalem, calls upon those States that have established diplomatic missions at Jerusalem to withdraw such missions from the Holy City, condemns States that have transferred their missions to Jerusalem and urges all States to comply with the provisions of the two resolutions.

Accordingly, Israel's decisions to impose its laws, jurisdiction and administration on the Holy City of Jerusalem are unlawful decisions and are thus null and void and have absolutely no legitimacy.

Thus recalling these resolutions, the General People's Committee for Foreign Liaison and International Cooperation can only set forth the following facts:

1. The statements made by the Speaker of the United States House of Representatives at a time when the Government of the United States of America claims that it is fostering peace in connection with the so-called Middle East issue are giving support and encouragement to Israel, the occupying Power, in the perpetuation of its occupation of the occupied Arab territories, including Jerusalem, and its alteration of their character in violation of all the relevant international resolutions and conventions.

2. That the Speaker of the United States House of Representatives should call for support for the illegal measures taken by Israel that altered or purported to alter the character or status of the Holy City of Jerusalem, in particular the so-called "Basic Law", reflects not the neutral position required by the impartial sponsorship of the peace process that is claimed by the Government of the United States of America but rather support for occupation and for the

legislative and administrative measures and actions taken by Israel with respect to Jerusalem and the alteration of its character and its proclamation as the capital of Israel.

3. This position of support for Israeli occupation and for the measures taken by Israel with respect to the Holy City of Jerusalem is contrary to the will of the international community as reflected in the resolutions adopted by the United Nations General Assembly and the Security Council. The Government of the United States of America, while urging compliance with General Assembly and Security Council resolutions, is thus, by virtue of the call made, conveying its non-compliance with and lack of respect for the will of the international community.

4. The call issued by the Speaker of the United States House of Representatives represents a legal precedent for non-compliance with the implementation of Security Council resolutions, and it accords to States Members of the United Nations the right of non-compliance with them. The implementation of Security Council resolutions has thus come to be based not on sincere compliance with the Charter of the United Nations but on a choice of compliance or non-compliance. Thus, by virtue of the position taken and the position of Israel itself, the United States Administration has come to advocate the non-binding character of the resolutions adopted by the Security Council for all States.

5. The non-binding character of Security Council resolutions, as conveyed by the position of the United States Administration, allows freedom to the States members of the League of Arab States, the Organization of African Unity and the Organization of the Islamic Conference not to implement the resolutions adopted by the Security Council against Libya.

6. The United States position has provided a justification for non-compliance with resolutions adopted by the Security Council. The Great Socialist People's Libyan Arab Jamahiriya thus finds itself at liberty with respect to the resolutions adopted by the Security Council on the so-called Lockerbie affair as long as the international community does not compel the United States of America and Israel to implement other resolutions adopted by the Security Council.

The Charter of the United Nations places all Member States on an equal footing in respect of rights and duties. It is this that represents legal authority for the international community and induces all States to abide by it, applying it in accordance with the principles enshrined in the Charter with regard to relations between States.

In setting forth these facts, the General People's Committee for Foreign Liaison and International Cooperation can only stress the grievous character of the call made by the Speaker of the United States House of Representatives. This is particularly so since he is the presiding officer of the legislature of the United States of America, an institution presumed to respect international covenants and the norms of international law and to urge compliance with them, not to engage in open incitement to their violation or to encourage Israel, the occupying Power, to avoid compliance with them in accordance with standards of force and usurpation.

As it condemns the call issued, the General People's Committee for Foreign Liaison and International Cooperation urges the Security Council and the General Assembly of the United Nations, out of respect for their own resolutions, to adopt a rigorous international position in its regard.

It further calls upon the League of Arab States and upon the Organization of the Islamic Conference and its Al-Quds Committee to condemn the position taken by the United States and to adopt the necessary resolutions thereon.